

**ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

February 19, 2021

1:31 p.m.

MEMBERS PRESENT

Senator Mia Costello, Chair
Senator Roger Holland, Vice Chair
Senator Joshua Revak
Senator Gary Stevens

MEMBERS ABSENT

Senator Elvi Gray-Jackson

COMMITTEE CALENDAR

SENATE BILL NO. 45

"An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to transporting tobacco, a product containing nicotine, or an electronic smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 45

SHORT TITLE: AGE FOR NICOTINE/E-CIG; TAX E-CIG.

SPONSOR(s): SENATOR(s) STEVENS

01/25/21	(S)	PREFILE RELEASED 1/15/21
01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	L&C, FIN
02/19/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 45 on behalf of the sponsor.

CHRISTY KNIGHT, Program Manager
Tobacco Prevention and Control Program
Division of Public Health
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 45.

JOE DARNELL, Chief Investigator
Tobacco Enforcement and Youth Education Program
Division of Behavioral Health
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 45.

KERSTEN JOHNSON, PhD; Senior Director of Secondary Education
Anchorage School District
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 45.

EMILY NENON, Alaska Government Relations Director
American Cancer Society Cancer Action Network
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony on SB 45.

DR. GEORGE STEWART, Retired Pulmonologist
Anchorage, Alaska

POSITION STATEMENT: Provided supporting testimony for SB 45.

ACTION NARRATIVE

[1:31:11 PM](#)

CHAIR MIA COSTELLO called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at call to order were Senators Stevens, Holland, Revak, and Chair Costello.

SB 45-AGE FOR NICOTINE/E-CIG; TAX E-CIG.

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CHAIR COSTELLO announced the consideration of SENATE BILL NO. 45 "An Act raising the minimum age to purchase, sell, exchange, or possess tobacco, a product containing nicotine, or an electronic smoking product; relating to transporting tobacco, a product containing nicotine, or an electronic smoking product; relating to the taxation of electronic smoking products; and providing for an effective date."

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SENATOR GARY STEVENS, speaking as sponsor, stated that SB 45 is about protecting children from nicotine addiction and restricting sales and the possession of nicotine products to youth. He advised that while public health advocates, with help from scientific evidence, are winning the war against tobacco, the use of electronic cigarettes or vaping is an exploding trend.

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TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, sponsor of SB 45, began the introduction of SB 45 with a compelling video, couched in a letter to the president, about the efforts to restrict youth access to nicotine and e-cigarettes. [The video is on BASIS on the documents page for SB 45.]

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MR. LAMKIN informed the members that the young woman who prepared the video is a 16-year-old student who is involved in an action group at Stanford University.

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MR. LAMKIN shared a follow-up video from an August 2020 conference that featured Alaska Chief Medical Officer Dr. Anne Zink talking about the e-cigarette pandemic the state is facing. [The video is on BASIS on the documents page for SB 45.]

In the video, Dr. Zink directed attention to a slide of survey data about youth cigarette use since 2007, and the increase to 26.1 percent in 2015 when e-cigarette use was included. She mentioned the paper the DHSS team prepared that includes a pie chart showing that 17.6 percent of preventable deaths in Alaska related to smoking. She briefly touched on how e-cigarette use among youth had become more prevalent. She displayed several slides of vaping products in disguise and agreed with the previous video that some people are taking advantage of the pandemic to promote unhealthy behavior. She said this does matter because the myelination of the brain, particularly the frontal lobe, continues to develop into the mid-20s. Dr. Zink said it is also important to think about the way that e-cigarettes hurt the lungs. She noted that one case of EVALI [e-cigarette, or vaping, product use-associated lung injury] had been diagnosed in Alaska, but there are continuing outbreaks nationwide.

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The video further showed Dr. Zink displaying a pie chart of the breakdown on how Alaska high school students who currently use e-cigarettes obtain them. Some were purchased online and in stores, but close to 50 percent of the time students borrowed e-cigarettes from somebody else. She said the top reasons Alaskan teens use e-cigarettes are because 1) a family member or friend used them, 2) flavors such as mint, candy, fruit, or chocolate made them attractive, and 3) the belief that e-cigarettes are less harmful than other forms of tobacco.

Data further shows that while vaping among Alaska traditional high school students is 26 percent, it is less among students who have protective factors. She expressed hope that Alaska's 1115 Behavioral Health Medicaid Waiver would make a difference, but that it was important to find ways to support youth to make connections. Students are less likely to vape if they have a teacher who cares about them, if they feel they matter to people in the community, and if they do not feel alone in their life. She stressed the importance of supporting kids, building resiliency, and ensuring they feel protected and loved.

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CHAIR COSTELLO asked Mr. Lamkin to present the PowerPoint followed by the sectional analysis.

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MR. LAMKIN presented a PowerPoint that reinforced the previous two videos. He displayed slide 2 that depicts an array of delivery options for vaping devices from e-pipes and e-cigars to tank devices, and disposable and rechargeable e-cigarettes. He noted that these products are advertised to be nicotine free but that does not mean that they are safe. Slide 3 shows the list of ingredients known to be in JUUL cartridges as well as ingredients such as arsenic, formaldehyde, and heavy metals that were found to be in the cartridges. Slide 4 makes the point that the ultrafine particles in e-cigarettes contain ingredients that are harmful and potentially harmful for the lungs. He turned to slide 5 that depicts tobacco ads from years ago alongside JUUL ads today. It makes the point that advertising tobacco products is regulated, but marketing vapor products that target youth is completely unregulated. Slides 6 and 7 demonstrate celebrity influence to endorse these products and Instagram, Twitter, and YouTube clips of youths demonstrating and advising other youths about vaping. Slide 8 shows a wide variety of flavorings used in e-products that disguise the taste of nicotine.

MR. LAMKIN turned to slide 9 that states that the Food and Drug Administration has not found any e-cigarette to be safe or effective in helping smokers quit tobacco. He noted that some testimony will contradict this, but e-cigarettes actually sustain the addiction to nicotine and tobacco. He emphasized that quitting actually means ending the addiction outright. Slide 11 shows the results of the 2017 Alaska Youth Risk Behavioral Survey: Current Use Rates. Of those surveyed, 40 percent reported having tried e-cigarettes and 16 percent report current use. He said, "These products are in students' hands even down to middle school and in some instances being found in our elementary schools." He turned to slide 12 that shows some of the seemingly innocent e-devices recently confiscated in Alaska schools, including an amulet vape watch.

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MR. LAMKIN displayed slide 13 that contains an image from the infamous 1994 Waxman Hearings when the CEOs of the major U.S. cigarette manufacturers appeared before a congressional committee and swore under oath that their products (nicotine in particular) were neither addictive nor harmful to human health. He said everyone knows how that played out yet industry advocates today insist that e-cigarettes are neither addictive nor harmful. They describe e-cigarettes as a safe and healthy nicotine-free alternative to tobacco when in fact they do contain nicotine and are completely unregulated.

MR. LAMKIN reported that in 2019 federal legislation raised the national minimum age to buy, sell, or possess tobacco products and e-cigarettes and devices to 21 years of age. Since then, 34 states have raised their minimum age to comply with the federal law. He explained that the primary goal of SB 45 is to conform to federal law and, without exception, raise the minimum age from 19 to 21. He noted that historical exemptions, which would no longer apply, have been for people both in the military and in jail.

He summarized that SB 45 repeals all the existing buy, sell, and possession exemptions for those in jail; restricts online sales; requires age verification at the time of delivery; and requires product labeling.

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MR. LAMKIN presented the sectional analysis for SB 45, version B. He clarified that the bill largely conforms the existing laws related to tobacco and e-products to federal law, summarily changing the age threshold from 19 to 21.

[Original punctuation provided.]

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Sec. 1: AS 11.76.100(a), relating to selling or giving tobacco to a minor, raises the minimum age from 19 to 21.

Sec. 2: AS 11.76.100(b), relating to the requirement for vendors to supervise the operation of tobacco product vending machines (TVM), amends the exemption for TVMs situated in a private break room, provided there is signage posted indicating the minimum age to possess tobacco products is age 21 (from 19).

Sec. 3: AS 11.76.105, relating to possession of tobacco, electronic smoking products (ESP), or products containing nicotine, raises the minimum age to possess from 19 to 21 years of age, and removes the exemption for incarcerated minors.

Sec. 4: 1.76.106(a), bans tobacco and ESPs sales to individuals over the internet.

MR. LAMKIN noted that according to the Tobacco Control Legal Consortium, the only way to prevent access is to prohibit face-to-face sales of e-cigarette products.

Sec. 5: AS 11.76.106(b), relating to the 'behind the counter' control provisions of selling tobacco products, allowing exemptions for tobacco shops or online sales, raising the minimum, age to sell from 19 to 21 years of age.

Sec. 6: AS 11.76.109(a), relating to other products containing nicotine, including chew, gum, patches, or E-cigarette products, raises the minimum age to sell or give such products from 19 to 21.

Sec. 7: AS 11.76.109(b), relating to exemptions to selling products containing nicotine to persons under the age of 21, if the product is FDA-approved, prescribed by a doctor, or given by a parent or legal guardian.

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Sec. 8: AS 11.76.109(d), relating to the requirement for vendors to supervise the operation of ESP or nicotine product vending machines (EVM), amends the exemption for EVMs situated in a private break room, provided there is signage posted indicating the minimum age to possess tobacco products is age 21 (from 19).

Sec. 9: AS 11.76.109(g), relating to the penalty for selling or giving ESP or nicotine products to a minor as being a \$300 violation, raises the minimum age from 19 to 21 years of age.

Sec. 10: AS 43.50.105(b), relating to wholesale tobacco sales and licensees, to restrict licensees from selling or transporting tobacco products to persons that are at least 21 (from 19) years of age, and to implement an age verification process when conducting transactions.

Sec. 11: AS 43.50.105(c), relating to common carrier transportation of cigarettes and tobacco products, to verify the age of the recipient before delivery.

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MR. LAMKIN drew a parallel to the existing age verification requirements upon delivery of wine or beer purchased online.

Sec. 12: AS 43.50.150(c), relating to state being in partnership with municipalities in taxing tobacco products, is amended to include taxing ESPs.

Sec. 13: AS 43.50.300, relating to existing state excise tax on tobacco products, is amended to include taxing ESPs at 75% of the wholesale value.

Sec. 14: AS 43.50.310(b) exempts the excise tax for ESPs that are a marijuana product, and do not contain nicotine, or are FDA-approved.

Sec. 15: AS 43.50.320(a), includes a requirement to be licensed as a distributor of ESPs for those products subject to an excise tax.

Sec. 16: AS 43.50.325 adds a new section in the tax code, restricting the transportation of tobacco and

ESPs into the state, requiring licensing to do so, and makes clear provisions for age verification for delivery of and labelling for such products. This is a conforming amendment, replicating AS 43.50.015, which applies only to cigarettes.

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Sec. 17: AS 43.50.330(a), relating to annual reporting requirements for tax purposes, amends existing tobacco sales reporting to include ESP reporting.

Sec. 18: AS 43.50.335, relating to existing tobacco tax credits and refunds for faulty or destroyed products, to include credits for similarly faulty or destroyed ESPs.

Sec. 19: AS 43.50.340, relating to existing record keeping requirements for licensed businesses selling tobacco products, to also be required to track sales and product information on ESPs being sold.

Sec. 20: AS 43.50.390(1), relating to the definition of a distributor of tobacco products, to also include ESPs, for purposes of identifying business who bring ESPs in and out of state, manufactures ESPs in the state, or ships ESPs to retailers in the state.

Sec. 21: AS 43.50.390(5), relating to the term "wholesale price" for purposes of taxing tobacco products, includes ESPs as part of wholesale pricing and taxing.

Sec. 22: AS 43.50.390 provides a definition of "electronic smoking product" consistent with use of the phrase elsewhere in statute, specifying an ESP means a:

(A) component, solution, vapor product, or other related product that is manufactured and sold for use in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device for the purpose of delivering nicotine or other substances to the person inhaling;

(B) product under (A) of this paragraph that is sold as part of a disposable integrated unit containing a power source and delivery system or

as a kit containing a refillable electronic smoking system and power source.

Sec. 23: AS 43.70.075(f), relating to business license endorsements for selling tobacco products, amends the existing requirement for signage to be posted on vendor premises, stating it being illegal to sell tobacco or ESPs to minors under the age of 21 (from 19).

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Sec. 24: AS 43.70.075(m), relating to the process for suspending business licensees holding a tobacco endorsement, amends existing statute referring to tobacco or ESPs being sold to minors under the age of 21 (from 19).

Sec. 25: AS 43.70.075(t), relating to penalties for licensees violating the T21 laws, amends existing statute for lessening the penalties if a license holder has a written tobacco or ESPs sales policy to include employees not selling tobacco or ESPs to minors under the age of 21 (from 19).

Sec. 26: AS 43.70.075(w), relating to the appeal and administrative process of license suspension, conforms existing law regarding tobacco and ESP sales, to apply to sales to minors under the age of 21 (from 19).

Sec. 27: AS 47.12.030(b), relating to the juvenile justice system, and minors accused of possessing tobacco, confirms existing law to apply to possession by minors under the age of 21 (from 19).

Sec. 28: AS 11.76.100(e), relating to sales exemptions for incarcerated persons, and AS 11.76.106(b)(4), relating to exemptions for ESP internet sales, are both repealed.

Sec. 29: Relates to applicability of offenses committed after the effective of the bill.

Sec. 30: Applies an effective date of January 1, 2022.

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CHAIR COSTELLO asked if there were questions or comments.

SENATOR STEVENS, speaking as sponsor of SB 45, clarified that changing the age to conform to the federal law would allow law enforcement to enforce the rules.

SENATOR HOLLAND asked if he had considered introducing the age restriction as a first step and addressing the tax component separately. He noted that smokers who have transitioned to e-cigarettes oppose the bill, arguing that the tax will make nicotine cigarettes more affordable than e-cigarettes.

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SENATOR STEVENS pointed out that there is no proof that e-cigarettes is effective in helping people get away from traditional cigarettes because they are still getting a lot of nicotine in e-cigarettes.

MR. LAMKIN said it is worth discussing, but he believes that the Finance Committee will thoroughly address the tax question.

SENATOR STEVENS said his primary focus is to help children avoid addiction to nicotine. He pointed out that fewer people smoke cigarettes now because governments raised the taxes and he believes that the same would hold true for e-cigarettes. He said the tax is important, but the health of our children is paramount.

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SENATOR REVAK referred to the definition of "electronic smoking product" in Section 22 and asked if the phrase "or other substances to the person inhaling" on page 11, line 14 makes the definition too broad, considering the availability of medical devices and over the counter inhalants.

MR. LAMKIN replied there are clear exemptions for medical devices and products that have gone through the pharmaceutical process and been approved by the FDA. He said the key to the definition is that it is not just the juice and liquid, it is all the parts that make up the electronic smoking product.

SENATOR REVAK said he appreciates that.

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CHAIR COSTELLO asked if the \$300 fine for the seller is per violation per day.

MR. LAMKIN described the fine as a tool for the state and parents to punish students who make these choices.

SENATOR STEVENS clarified that the \$300 fine is in current law; SB 45 only changes the age in statute to 21.

CHAIR COSTELLO moved to invited testimony.

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CHRISTY KNIGHT, Program Manager, Tobacco Prevention and Control Program, Division of Public Health, Department of Health and Social Services (DHSS), Tobacco Prevention, Anchorage, Alaska, read the following testimony on SB 45 into the record:

For the record, my name is Christy Knight and I am the Program Manager for the State of Alaska's Tobacco Prevention and Control Program within the Division of Public Health and will be speaking on the topic of tobacco and tobacco use by Alaska youth.

Thank you for the opportunity today to talk about the health harms of tobacco, including electronic smoking products, as well as what we know about effective strategies to address youth tobacco use.

Tobacco is the leading cause of preventable death in Alaska. Each year, smoking is linked to an estimated 700 deaths in our state. We know that most of the tobacco-related deaths are the result of an addiction that starts in youth. Nine out of ten adult smokers try cigarettes before age 18 years, and progression from occasional to daily smoking occurs in young adulthood.

Alaska has made great progress over the past couple of decades bringing smoking rates down in both adults and youth. This progress is threatened due to the epidemic of e-cigarettes. This is particularly evident among youth; our most recent Youth Risk Behavior Survey, YRBS, demonstrate a dramatic increase of youth use of e-cigarettes in Alaska. As of 2019, 1 out of 4 Alaska high school students reported current use of e-cigarettes, and almost half had ever tried them. By contrast, only 1 in 21 Alaska adults use these products.

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E-cigarettes contain nicotine, which is particularly addictive for youth and can affect brain development. Nicotine use during adolescence can disrupt the

formation of brain circuits that control attention, learning and susceptibility to addiction. E-cigarette use by youth has been shown to increase their subsequent use of other tobacco products.

In addition to nicotine, e-cigarettes may contain: ultrafine particles that can be inhaled deep into the lungs; flavorants such as diacetyl, which is a chemical linked to serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals such as nickel, tin and lead. Short term e-cigarette use has been shown to impair lung function, resulting in difficult breathing. Keep in mind that e-cigarettes have only been sold in the US since 2007 and scientists are still studying the health effects of e-cigarette use.

The progress we made in bringing down rates of smoking among Alaska youth was not an accident.

The Alaska Tobacco Prevention and Control Program—and its many partners statewide—have taken the rulebook on how to reduce smoking (CDC Best Practices), tailored it for Alaska, and made sure these proven strategies were put into effect long enough to see an impact, including:

- Supporting community-based efforts to prevent tobacco use;
- Educating the public and decision-makers about the burden of tobacco use and effective strategies to address tobacco use;
- Supporting a statewide tobacco quit line that provides free, confidential help with quitting; and
- Collecting, analyzing, and disseminating statewide and community-specific data about tobacco use.

Increasing the price of tobacco products is the single most effective way to reduce consumption and we've seen it work in Alaska. Youth and young adults are two to three times more likely to respond to price increases. Price increases are even more effective when implemented in combination with other proven strategies, such as increasing the minimum legal age.

The Institute of Medicine predicts that raising the minimum age for the sale of tobacco products to 21 will over time reduce the smoking rate by

about 12% and smoking-related deaths by 10%. Nationally, estimated smoking-caused health costs and lost productivity totals \$19.16 per pack.

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Senate Bill 45 includes both of these proven approaches and creates additional protections for youth through restricting online sales and implementing age verification processes when shipping or transporting tobacco products in Alaska.

In closing, I'd like to stress how taking action to curb the e-cigarette epidemic among youth now will aid in the State's efforts to prevent nicotine addiction and tobacco-related chronic disease and death, significantly reducing associated healthcare costs and lost productivity.

Thank you again for the opportunity to speak to you today. I am available for questions from the committee.

SENATOR STEVENS asked if she agrees with Dr. Zink's testimony that even without nicotine, e-cigarette products present health concerns because they can cause inflammation.

MS. KNIGHT replied that e-cigarettes are still being studied but they do pose health risks such as impaired lung function that results in difficulty breathing.

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JOE DARNELL, Chief Investigator, Tobacco Enforcement and Youth Education Program, Division of Behavioral Health, Department of Health and Social Services (DHSS), Anchorage, Alaska, reported that over the last 20 years the sell rate of tobacco products to youth dropped from about 36 percent to 6 percent. However, tobacco use is increasing with vaping products. He pointed out that the Philip Morris homepage talks about their transformation to deliver a smoke-free future.

He reported that his office does compliance checks, retailer information, and certifications. He said the complaints he has heard in the last year target the inconsistency with the state law being 19 and the federal Tobacco-21 law being 21. The U. S. Food and Drug Administration (FDA) is actively enforcing age 21 for the sale of tobacco products but the state only has the authority to enforce age 19, he said.

MR. DARNELL advised that some retailers are not enforcing the age 21 threshold because a federal violation only elicits a letter from the FDA, but they do worry about violating the state law relating to age. He emphasized that raising the age to 21 would help all retailers because it would align the law for all age restricted products - tobacco, alcohol, and marijuana. He reminded members that driver's licenses for Alaskans under age 21 are set up on a vertical platform so retailers automatically know the person is a minor. He noted that the state and FDA currently provide countdown calendars to help retailers determine age without having to rely on expensive software that does the same thing.

MR. DARNELL related that his office had worked with retailers and licensing for the last several years to correct the behavior that half the shops in Anchorage were selling (tobacco products) to underage individuals. Students now see that smoking is harmful to their health, but they do not see the risk associated with vaping and e-cigarettes. He opined that raising the age to 21 would help.

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SENATOR STEVENS asked how many investigators he had in the department.

MR. DARNESS answered that there are two in addition to himself.

SENATOR STEVENS thanked him for improving society with such a small force.

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DR. KERSTEN JOHNSON, PhD; Senior Director of Secondary Education, Anchorage School District, Anchorage, Alaska, confirmed previous testimony about the prevalence of vaping and e-cigarette use among Alaskan youth and in the schools. She provided her background of 20 plus years in education in Alaska. She related her experience working with students experiencing addiction from vaping and parents struggling to keep their kids from vaping and using e-cigarettes. She acknowledged the broad spectrum of usage across the municipality amongst middle and high school students.

DR. JOHNSON said she primarily wanted to emphasize the explosive growth of this unhealthy behavior in the past 10 years. It used to be limited to high school students but it has crept into middle and elementary schools, some as young as third grade. E-cigarette use and vaping is becoming a huge health issue for

youth in the state as well as a distraction in school. Furthermore, students who are thinking about their next vape are not concentrated on learning. Schools have increased discipline problems that take resources away from student learning.

DR. JOHNSON agreed with Dr. Zink that about 26 percent of high school students engage in this behavior and many parents either do not know how to help their child or do not realize their child has an addiction until it has become a very complicated issue. She advised that she shared some pictures to illustrate how difficult it can be to identify some e-products. They can look like ordinary items. She cited the example of the amulet vape watch that looks like any other Apple watch. Officials confiscated that watch at one of the Anchorage high schools, but it is just one of many disguised and concealable vaping products.

DR. JOHNSON urged the committee to pass SB 45 to provide schools additional tools to combat this unhealthy behavior so students can focus on learning.

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CHAIR COSTELLO thanked her for providing the school perspective.

SENATOR STEVENS thanked her for her testimony and the photos. He shared his experience from several years ago when teachers told him how difficult it is to eliminate vaping in schools because it is so easy to disguise. He asked what kind of intervention teachers could provide for students.

DR. JOHNSON replied that Anchorage schools have started educating elementary through high school students about the addictive nature of vaping. The idea is to start early to educate students before they become addicted. The district has rewritten school board policies to include language about e-cigarettes and vaping and the policies are included in student handbooks. Furthermore, specific penalties apply to students who engage in vaping behavior while in school. She advised that this had become such a large issue that Anchorage schools track the cases of student usage in a separate databank. She highlighted that the vaping rates in the first three-quarters of the 2019-2020 school year were nine times higher than tobacco usage district wide.

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EMILY NENON, Alaska Government Relations Director, American Cancer Society Cancer Action Network, Anchorage, Alaska, stated

appreciation that the committee was looking in depth at the tobacco statutes because the market had changed since the last major rework of the tobacco tax code in 2004. E-cigarettes were not on the U.S. market until 2006 or 2007. She echoed, from a health agency perspective, the health effects articulated in the previous testimony.

MS. NENON informed the committee that none of the e-cigarette manufacturers had even applied to be a cessation product and they are not regulated as such. She said there are FDA approved cessation products and Alaska has a strong quit line, but the best way to quit smoking is to never start. That is why it is so important to focus on youth and keep them from starting a lifetime of addiction.

She highlighted that Anchorage removed the criminal penalties for kids caught using tobacco and vaping products because a fine is not the way to help kids who are addicted to a product. She said she was interested in looking at the best way to give school districts the tools they need for student compliance while also giving students the resources they need to deal with addiction. She reported that the tobacco prevention community grantees are working with school districts on alternatives to suspension and programs that deal with the problem students are facing. The onus should be on the tobacco industry and not the kid who became addicted. She said the American Lung Association and the American Heart Association joined the American Cancer Society Cancer Action Network to support removing the penalties and decriminalizing the behavior.

MS. NENON closed by reminded members that taxes are proven to be at the top of effective strategies for reducing youth use of tobacco products.

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CHAIR COSTELLO thanked her for the advocacy.

SENATOR STEVENS expressed appreciation that she said that e-cigarettes are not a cessation product. He asked what some of the approved cessation products are because many people have contacted his office to say e-cigarettes are the only way they stopped smoking.

MS. NENON said there are approved products that are medically safe. These include nicotine patches, nicotine gum and lozenges, as well as prescription drugs. More information is available at 1-800 quit now; cessation counselors help people set up a quit

plan and check in regularly to provide support. She noted that she encourages people by telling them that their chance of success improves with every attempt to quit.

MS. NENON concluded her comments by telling the members that the combustive cigarette has over 3,000 chemical compounds, 69-70 of which are known human carcinogens. Just because a product is less harmful than a combustive cigarette, does not mean it is safe. That is why she encourages people who are ready to quit to call 1 800 quit now or use FDA approved cessation products.

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DR. GEORGE STEWART, Retired Pulmonologist, Anchorage, Alaska, stated that SB 45 is a very strong way to help Alaskan teens. He stressed the importance of increasing the age to 21 and taxing e-cigarettes like tobacco. He reminded members that cigarette use declined when the taxes went up. He said e-cigarettes are clearly toxic and increasing the age to 21 will hopefully move the issue out of the schools. He reported that a JUUL cartridge has the same amount of nicotine as an entire pack of cigarettes. They should not be available to kids, he said. He agreed with Mr. Darnell that anyone who purchases e-products online should be 21 and be required to present proof upon delivery. He described a publication from the University of Rochester Medical Center that talks about the increased risk of COVID in people using e-cigarettes. He quoted, "Droplets of the virus can escape through the e-cigarette aerosol or individuals may spread the infection through saliva when they share vaping devices." He urged the committee to prevent anyone younger than 21 from obtaining e-cigarettes. He said kids who smoke or vape are getting respiratory diseases because nicotine is just one of the toxins they are inhaling.

DR. STEWART strongly encouraged the legislature and governor to pass SB 45 to help get kids safer. He said he had been working to limit the use of tobacco for 40 years. Several years ago, Alaska workplaces became smoke free and now Alaska needs to be free of e-cigarettes for anyone younger than 21 years of age.

CHAIR COSTELLO thanked him for the testimony and work in this area.

SENATOR STEVENS thanked him for his years of service and for highlighting the increased risk of COVID for young people who share e-devices.

CHAIR COSTELLO held SB 45 in committee for future consideration.

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There being no further business to come before the committee, Senator Costello adjourned the Senate Labor and Commerce Standing Committee meeting at 2:57 p.m.